



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/712,509	11/14/2000	Danilo Pau	99AG29553247	9109

7590 03/17/2004

CHRISTOPHER F. REGAN
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
P.O. Box 3791
Orlando, FL 32802-3791

EXAMINER

RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
	2613

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/712,509	PAU ET AL.
	Examiner Andy S. Rao	Art Unit 2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 05 January 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 10-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 10-36 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed with respect to claims 10-36 as filed in Paper 9 on 1/5/04 have been fully considered but they are not persuasive.
2. Claims 10-36 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kadono in view of Adolph et al., (hereinafter referred to as "Adolph"), as was set forth in the previous Office Action of Paper 7 mailed on 10/2/03.
3. The Applicant presents three arguments contending the Examiner's rejection of claims 10-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadono in view of Adolph et al., (hereinafter referred to as "Adolph"), as was set forth in the previous Office Action of Paper 7 mailed on 10/2/03. However, after a careful consideration of the arguments presents, the Examiner must respectfully disagree for the reasons that follow.

After initially summarizing the salient features of the instant invention (Paper 9: page 9, lines 12-28; page 10, lines 1-3), the Applicants argue that the primary Kadono reference fails to disclose "dividing the input bitstream into a sequence of coded data and into a sequence of control bits..." as recited in the claims (Paper 9: page 10, lines 3-32; page 11, lines 1-12). The Examiner respectfully disagrees. It is noted that since the quantization step size doesn't represent coded image data it is reads on the coded control data especially since it is input into the quantizer to control the degree of coding (Kadono: column 19, lines 10-25), and is not input to through the codec processing change, but rather is stripped off at the variable length decoder and channel to the quantizer step size controller. And further, since the quantization step size would be input for each block/macroblock, this would be a sequence of control bits correlating to the

sequence of the input blocks. Accordingly, the Examiner maintains that this limitation is met as well.

Secondly, the Applicants argue that Kadono reference directed towards minimizing quantization error included in the bitstream and not producing an output bitstream coded digital video data having a desired bit-rate different from the input bitstream (Paper 9: page 11, lines 13-22). The Examiner respectfully disagrees. It is noted that the reference is directed towards “transcoding” which is a process that by definition is concerned with changing bit-rates (Kadono: column 6, lines 40-50: “transcoding method”). Additionally, it is noted that since Kadono discloses the direct correlation between bit-rates and coding error according to the rate-error theory, Kadono would simultaneously have an output stream of a desired bit-rate in accordance with a desired error. Accordingly, the Examiner maintains that Kadono remains applicable to the instant invention as recited in the claims.

Lastly, the Applicants argue that the Adolph reference only discloses modify the control bits as a function of the desired bit rate of the secondary bitstream (Paper 9: page 11, lines 23-29; page 12, lines 1-5). The Examiner respectfully disagrees. It is noted that the Adolph discloses having the SYD data being likewise adapted to the second data rate by the corresponding system data processor (Adolph: column 2, lines 52-55). Accordingly, the Examiner maintains that this limitation is met as well.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER

Application/Control Number: 09/712,509
Art Unit: 2613

Page 5

asr
March 16, 2004